

REMARKS

Claim Amendments

In the appeal decision mailed August 28, 2009, claims 1-12 were rejected. In this amendment, claims 1-2, 4, 7, and 9-11 have been amended, leaving claims 1-12 for examination. The amendments are supported by the specification as originally filed and no new matter has been added. The applicant addresses the examiner's comments below.

The applicant has amended the claims to more clearly emphasize a rotary switch with a fully enclosed detent sub-assembly located entirely above the panel. None of the prior art of record teaches this combination of features.

In view of the amendments herein and the remarks which follow, the applicant respectfully requests that the examiner reconsider all previous rejections and objections and withdraw them.

Claims Rejections – 35 USC § 112

Claims 1-8 and 12 were rejected under 35 U.S.C. 112 second paragraph as being indefinite. The applicant has amended the claim to include *inter alia* “wherein the detent sub-assembly is fully enclosed independent of the knob.”¹ As the Board of Patent Appeals and Interferences found, “the detent sub-assembly can be considered to be **enclosed independent of the knob**”² For at least these reasons, independent claim 1 should be allowable. Since claims 2-8 and 12 depend from allowable claim 1 and provide further limitations, these dependent claims should likewise be allowable. Based on the listed amendments and the above arguments, the applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims Rejections – 35 USC § 103

Claims 1-12 were rejected based on 35 U.S.C. 103(a), as being unpatentable over U.S. Pat. No. 4,857,677 to Tanaka et al. (hereinafter “Tanaka”) in view of U.S. Pat. No. 3,311,718 to Allison et al. (hereinafter “Allison”). In general, Tanaka describes “switches which have functions related to the dial device.”³ Tanaka does not however describe a detent sub-assembly

¹ Amended claim 1.

² Appeal 2009-003564 decision dated Aug. 27, 2009 p. 4 (emphasis added)

³ Tanaka, abstract.

but instead describes a slit ring which is “freely rotatably attached to [a] shaft”⁴ wherein a “plurality of click grooves are radially formed on the inner face”⁵ “to create clicks when [the] slit ring is rotated.”⁶ Tanaka effectively describes a switch with a dial that clicks.

In general, Allison describes “a miniature rotary switch”⁷ with a detent assembly mounted below a panel⁸ with “an O-ring for sealing the housing to the mounting panel.”⁹

Neither Tanaka nor Allison neither singly nor in combination describe or would make obvious the applicant’s claim elements of “a detent sub-assembly located entirely above the panel” “wherein the detent sub-assembly is fully enclosed independent of the knob and further wherein only a bushing and a shaft extent through the panel.”¹⁰ Likewise, Tanaka and Allison neither singly nor in combination would make obvious “a fully enclosed sub-assembly, comprised of a sprocket with cylindrical lobes, on a user’s side of the panel.”¹¹ For similar reasons the other independent claims are also not made obvious by Tanaka in view of Allison. Because the independent claims are not obvious, the claims which depend from them cannot be obvious. All of these claims therefore should be allowable. Based on the listed amendments and these arguments, the applicant respectfully requests reconsideration and withdrawal of this rejection.

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It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, the arguments made above may not be exhaustive. Thus, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

⁴ Tanaka, col. 4, line 30.

⁵ Tanaka, col. 4, lines 45-46.

⁶ Tanaka, col. 4, lines 53-54.

⁷ Allison, col. 1, line 12.

⁸ Allison, col. 2, line 41 and Fig. 2.

⁹ Allison, col. 2, lines 51-52.

¹⁰ Amended claim 1.

¹¹ Amended claim 9.

Conclusion

The claims currently pending in this case, as amended above, are believed to be in condition for allowance. The applicant therefore requests that the examiner withdraw any outstanding objections and rejections and issue a notice of allowance.

The Commissioner is hereby authorized to charge any additional required fees to Deposit Account No. 50-4262 in order to have this amendment considered.

Respectfully submitted,
STRATEGIC PATENTS, P.C.

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